

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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March 11, 2019

Ms. Ann Maxwell
Assistant Inspector General for Evaluation and Inspections
Office of Evaluation and Inspections
Office of Inspector General
U.S. Department of Health and Human Services
330 Independence Avenue, SW, Suite 5660
Washington, DC 20201

Dear Ms. Maxwell:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Thursday, February 7, 2019, at the hearing entitled "Examining the Failures of the Trump Administration's Inhumane Family Separation Policy." We appreciate the time and effort you gave as a witness before the Subcommittee.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from certain members of the Committee. In preparing your answers to these questions, please address your response to the member who has submitted the question and include the text of the member's question along with your response. In the event you have been asked questions from more than one member of the Committee, please begin the responses to each member on a new page.

To facilitate the printing of the hearing record, your responses to these questions should be received no later than the close of business Monday, March 25, 2019. As previously noted, this transmittal letter and your response(s), as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your written responses should be emailed to Jourdan Lewis with the Committee staff at Jourdan.Lewis@mail.house.gov. Please provide your response in a Microsoft Word formatted document, as well as a PDF document.

Ms. Ann Maxwell
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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Jourdan Lewis at (202) 225-2927.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.
Chairman

Attachments

cc: Hon. Greg Walden, Ranking Member
Committee on Energy and Commerce

Hon. Diana DeGette, Chair
Subcommittee on Oversight and Investigations

Hon. Brett Guthrie, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Jan Schakowsky (D-IL)

1. Ms. Maxwell, during the February 7, 2019 hearing, the Office of Refugee Resettlement and Office of the Inspector General officials described the criteria used to separate children from parents. These determinations are typically made in cases where officials find that the parents may pose a danger to the child. Based on your experiences:
 - a. How is this determination made and by whom?
 - b. What constitutes a “danger” to a child? Please provide specific examples.
 - c. Is any criminal history, including immigration offenses, grounds for separation?
 - d. What process, if any, exists for parents or child advocates to challenge a decision to separate the parent and child?

The Honorable Joseph P. Kennedy, III (D-MA)

1. Thank you for sharing your testimony regarding the separation of children from their families along the southern border. In your testimony, you mentioned that DHS has provided limited data and information to ORR regarding the separated children, thus complicating HHS's efforts to identify and track the children in compliance with the 2018 court order. As a part of ORR's efforts to identify and track the children, what additional information does ORR need from DHS?
 - a. Can you provide the key information and demographics ORR currently tracks for the separated children and for all children in the agency's care?
 - b. Beyond the country from which the children have migrated, does ORR track the city, town, village, or other locale where they previously lived; and, if so, how does ORR share this information with other agencies and Congress in order to promote and improve the use of international aid?

The Honorable Greg Walden (R-OR)

1. According to the HHS OIG's January 2019 Issue Brief, 118 children have been separated from a parent or a legal guardian between July 1 and November 7, 2018. According to the OIG, 65 of the children were separated because a parent had a criminal history, 18 children were separated because the parent had a gang affiliation, and 19 children were separated because the parent presented a false passport or claimed to be a legal guardian without proof, among other reasons. OIG cautioned, however, that "in some cases, little detail was provided" to ORR.
 - a. In how many of the 118 cases of children separated from a parent between July 1 and November 7 did DHS not provide enough information to ORR?
 - b. What types of information was not provided to HHS, and how often was each type of information not provided?
 - c. Did HHS OIG interact with DHS on this issue in an attempt to determine why, in your opinion, sufficient information was not provided in all cases?